

REMARKS/ARGUMENTS

Applicant has amended the paragraph beginning at page 15, line 14 to more particularly point out and describe the planar top with a substantially coplanar opening therein, as is shown in originally-filed FIGS. 2, 4 and 5.

Applicant has amended the paragraph beginning at page 18, line 7 to more particularly point out that the fold lines are substantially parallel with the top edges and the bottom edges (and thus, inherently the top and bottom are substantially parallel), as is shown in originally-filed FIGS. 2, 4 and 5.

Per telephone conference with Examiner Hylton on August 25, 2005, Applicant has listed the claims withdrawn by Examiner as "withdrawn", and where amended, as "withdrawn-currently amended".

Applicant respectfully requests that Examiner reinstate withdrawn claims 1-7, 15-21, 24-30, 32-39, 47-53, 56-62, 64-71, 79-85, 88-94, 96, 108 and 109 pursuant to the amendments above and remarks below.

102(b) Rejections

In the Office Action of December 1, 2004, the Examiner previously has rejected claims 1-7, 15, 17, 19, 21, 24-30, 32-39, 47, 49, 51-53, 56-59, 79, 81, 83-85, 88-91, 96, 108 and 109 under 35 U.S.C. 102(b) as being anticipated by LeFleur (U.S. Pat. No. 5,607,237)

In the Office Action of December 1, 2004, the Examiner previously has rejected claims 1, 15-17, 19-21, 24-27, 32, 33, 47-49, 51-53, 56-59, 79-81, 83-85, 88-91, 96, 108 and 109 under 35 U.S.C. 102(b) as being anticipated by Van de Pol (U.S. Pat. No. 4,664,957)

103(a) Rejections

In the Office Action of December 1, 2004, the Examiner previously has rejected claims 18, 50 and 82 under 35 U.S.C. 103(a) as being unpatentable over LeFleur (U.S. Pat. No. 5,607,237)

In the Office Action of December 1, 2004, the Examiner previously has rejected claims 28-30, 60-62 and 92-94 under 35 U.S.C. 103(a) as being unpatentable over LeFleur (U.S. Pat. No. 5,607,237) in view of Marino (U.S. Pat. No. 5,339,872)

In the Office Action of December 1, 2004, the Examiner previously has rejected claims 28-30, 60-62 and 92-94 under 35 U.S.C. 103(a) as being unpatentable over Van de Pol (U.S. Pat. No. 4,664,957) in view of Marino (U.S. Pat. No. 5,339,872)

Applicant's Response

Applicant has amended claim 1 to remove amendments submitted in the office action response of May 2, 2005 and to further include the limitation of fold lines. Fold lines are disclosed at page 18, lines 7-9 of the original specification, and FIGS. 2, 4 and 5, Invention Group A, as elected. None of the prior art cited by Examiner discloses fold lines. Applicant respectfully submits that amended claim 1 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 33 to include to remove amendments submitted in the office action response of May 2, 2005 and to further include the limitation of a planar top having an opening therein, wherein the opening is substantially coplanar with the top as is supported in the specification at page 15, line 23, as amended, and in originally-filed FIGS. 2, 4 and 5. None of the prior art teaches a planar top having an opening therein, wherein the opening is coplanar with the top. Applicant respectfully submits that amended claim 33 is in

condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 65 to to remove amendments submitted in the office action response of May 2, 2005 and to further include the limitation of a top and bottom that are substantially parallel, as is supported at page 18, lines 9, as amended, at page 19, lines 16-18, and more particularly in FIG. 4 in the collapsed condition. None of the prior art cited by Examiner relates to substantially parallel top and bottom of the container, particularly in the collapsed state. Applicant respectfully submits that amended claim 65 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 108 to remove amendments submitted in the office action response of May 2, 2005 and to further include the limitation of fold lines disposed between the top and bottom of the container, wherein the fold lines are substantially parallel with the top and bottom, as is supported at page 18, lines 9, as amended, and as shown in originally-filed FIGS. 2, 4 and 5. None of the prior art cited by Examiner relates to fold lines parallel with the top and bottom planes of the container. Applicant respectfully submits that amended claim 108 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

CONCLUSION

The above amendments are to form only, and, thus, no new matter was added.

In light of the amendments to claims 1, 33, 65 and 108, Applicant respectfully submits that Claims 1-7, 15-21, 24-30, 32-39, 47-53, 56-62, 64-71, 79-85, 88-94, 96, 108 and 109, drawn to elected Invention Group A, FIGS. 2, 4 and 5, are now allowable.

Otherwise, should the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the address or telephone number below.

Inglese, Pat

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Respectfully submitted, this 29th day of August, 2005,

A handwritten signature in black ink, appearing to read "Thomas R. Williamson III", with a long horizontal flourish extending to the right.

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